Office Memorandum • UNITED STATES GOVERNMENT

TO : Director, Federal Bureau of Investigation DATE: May 3, 1956

FROM : Warren Olney III, Assistant Attorney General, Criminal Division WO:awl

SUBJECT: Jesus De Galindez 109-51-2
Missing Person - Information Concerning

Reference is made to your memorandum to the Attorney General bearing the above caption under date of May 2, 1956. Heretofore the Bureau has advised the Criminal Division repeatedly and consistently that the disappearance of De Galindez was being investigated by the New York Police Department which is keeping the FBI informed of the progress of the inquiry and that no evidence had been developed of the possible commission of a federal offense which would authorize a separate investigation. The Bureau has also advised that it would continue to follow the progress of the current inquiry closely and that it was prepared to take appropriate action in the event facts were developed indicating federal jurisdiction.

With the prior approval of the Bureau the Criminal Division has responded to numerous inquiries by persons interested in De Galindez' disappearance of the advice set forth above received from the FBI. This has included the statement that the FBI has advised that it would follow the progress of the inquiry closely and was prepared to take appropriate action in the event facts developed indicating federal jurisdiction.

The evaluation of the facts and circumstances to determine whether the FBI investigative jurisdiction will be invoked is the responsibility of the FBI and not that of the Criminal Division. See memorandum from the Criminal Division to the Bureau dated February 19, 1954 in the matter of "Unknown Subject, Evelyn Hartley - Victim, Kidnaping" (D.J. File No. [redacted]) and memorandum from the Criminal Division to the Bureau dated February 6, 1956 in the matter of "Unknown Subject, Steven Damman, Aged 3 - Victim, Missing Person, Possible Kidnaping" (D.J. File No. [redacted])

163-317-1

NOT RECORDED
102 MAY 25 1956

11 MAY 24 1956

EXP. PROC.

Tab 3

It is not the intention of the Criminal Division to evaluate the evidence, circumstances or information concerning the disappearance of De Galindez for the purpose of determining whether the FBI should or should not investigate the same as a possible kidnaping or to interfere with the Bureau in any way in its decision to invoke or not to invoke its investigative jurisdiction. However, it must be pointed out that the information contained in the referenced memorandum on the De Galindez matter is inconsistent with the advice previously furnished by the Bureau and passed on by the Criminal Division to others to the effect that no evidence has been developed up to the present time of the possible commission of a federal offense which would authorize a separate investigation.

Referenced memorandum states that the Bureau has received a report from a source of unknown reliability, [redacted] in Puerto Rico, that an unknown man told her about a week prior to April 19, 1956, that De Galindez had been abducted by Felix Hernandez Marquez and that he was being held in protective custody in the Dominican Republic. Such an abduction would be a plain violation of the federal kidnaping statute. The referenced memorandum indicates that the Bureau apprised the Department of State, Office of Security and the Central Intelligence Agency of this report and requested those agencies to furnish promptly any information to the Bureau which might pertain to the report that De Galindez was being held in the Dominican Republic.

The foregoing circumstances with all the attendant uncertainties are, in the opinion of the Criminal Division, sufficient to justify an investigation by the FBI as a legally authorized matter under the authority of Section 1201 of Title 18, U.S.C. Since the information now at hand is legally sufficient to justify a separate investigation I would appreciate being advised as to what reason the Criminal Division should assign in the future for the failure of the Bureau to exercise in the De Galindez case the investigative jurisdiction conferred upon the Bureau by law.

It is noted that in the Evelyn Hartley and Steven Damman cases, although advised by the Criminal Division in each instance that the information developed was legally sufficient to justify an investigation under the federal kidnaping law, the Bureau declined to exercise its investigative jurisdiction. In this instance the reason must be clearly specified in order to enable the Criminal Division properly to advise the Attorney General, to reply to inquiries from the White House and to answer the general mail.